

§ 155.130

effective as that required in the regulations.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90-071a, 59 FR 53290, Oct. 21, 1994]

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution; and

(iii) The likelihood of discharges occurring as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by subpart B of this part against pollution, having regard to the service for which the ship is intended.

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(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

§ 155.140 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard Office of Compliance (G-MOC), 2100 Second Street SW., Washington, 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

American National Standards Institute, Inc. (ANSI) 11 West 42nd Street, New York, NY 10036

ANSI A10.14—Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991—155.230

American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, PA 19103.

ASTM F 631-80 (Reapproved 1985), Standard Method for Testing Full Scale Advancing Spill Removal Devices. Appendix B.

ASTM F 715-81 (Reapproved 1986), Standard Methods of Testing Spill Control Barrier Membrane Materials. Appendix B.

ASTM F 808-83 (1988), Standard Guide for Collecting Skimmer Performance Data in Uncontrolled Environments. Appendix B.

ASTM F 989-86, Standard Test Methods for Spill Control Barrier Tension Members. Appendix B.

International Maritime Organization (IMO)